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## BEFORE THE ARIZONA CORPORATION COMMISSION

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## COMMISSIONERS

Arizona Corporation Commission

DOCKETED

2003 OCT 17 P 1:37

MARC SPITZER, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON  
KRISTIN K. MAYES

OCT 17 2003

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKETED BY

CM

IN THE MATTER OF THE APPLICATION OF  
THE ARIZONA DEPARTMENT OF  
TRANSPORTATION TO CONSTRUCT A  
GRADE-SEPARATED CROSSING OF THE  
BURLINGTON NORTHERN AND SANTA FE  
RAILWAY AT OLIVE AVENUE OVER 75<sup>TH</sup> AND  
GRAND AVENUES, IN THE CITY OF PEORIA,  
MARICOPA COUNTY, ARIZONA.

DOCKET NO. RR-02635B-03-0684

PROCEDURAL ORDER**BY THE COMMISSION:**

On September 18, 2003, the Arizona Department of Transportation ("ADOT") filed with the Arizona Corporation Commission ("Commission") a request for approval for the Burlington Northern and Santa Fe Railway Company ("Railroad") to construct a grade-separated crossing at the Railroad's tracks at Olive Avenue over 75<sup>th</sup> and Grand Avenues in Peoria, Arizona.

IT IS THEREFORE ORDERED that the request of ADOT shall be considered an application for the Railroad to upgrade an existing crossing pursuant to A.R.S. § 40-337, et seq.

IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this proceeding.

IT IS FURTHER ORDERED that the hearing on the application shall be held on November 6, 2003, at 9:50 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

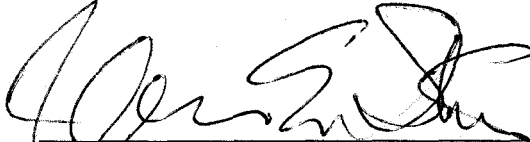
IT IS FURTHER ORDERED that within five business days of receipt of this Procedural Order, the Arizona Department of Transportation shall provide the Railroad and the City of Peoria and any other municipality or interested party that may be affected by the application with a copy of the application and this Procedural Order by certified mail.

...

...

1       **IT IS FURTHER ORDERED** that the Arizona Department of Transportation shall file  
2 with the Commission's Docket Control an original and thirteen (13) copies of certification of  
3 proof of compliance with this Procedural Order concurrently with the mailing of notice  
4 ordered herein.

5       DATED this 17<sup>th</sup> day of October, 2003.

  
6  
7       **MARC E. STERN**  
8       **ADMINISTRATIVE LAW JUDGE**

9       Copies of the foregoing mailed/delivered  
10 this 17<sup>th</sup> day of October, 2003 to:

11 JoeSchwer  
12 Assistant Manager/Railroad Liaison  
13 Utility & Railroad Engineering Section  
14 205 S. 17<sup>th</sup> Avenue, MD 618E  
15 Phoenix, AZ 85007

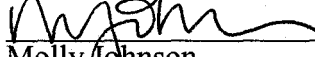
16 David Gibson  
17 ADOT  
18 Traffic Records Section  
19 206 S. 17<sup>th</sup> Avenue, MD-064R  
20 Phoenix, AZ 85007

21 Larry J. Delaney  
22 Project Engineer  
23 BNSF Railway Company  
24 1624 First Street NW  
25 Albuquerque, NM 87102-1538

26 Christopher Kempley, Chief Counsel  
27 Legal Division  
28 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

Don Thompson  
Railroad Safety Section  
1200 W. Washington Street  
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.  
2627 North Third Street, Ste. Three  
Phoenix, AZ 85004-1103

By:   
Molly Johnson  
Secretary to Mark Stern